

CODE OF CONDUCT POLICY

Mandatory – Quality Area 4

PURPOSE

This policy will provide guidelines to:

- establish a standard of behaviour to be followed by the Bethany Kindergarten Services (BKS) as the Approved Provider, Nominated Supervisors, Educators, Activity Group Leaders, Staff, Students on placement and Volunteers at the service
- reflect the philosophy, beliefs, objectives and values of the service
- promote desirable and appropriate behaviour
- ensure that all staff interaction with both children and adults at the service, and towards other organisations and individuals in the community, is respectful, honest, courteous, sensitive, tactful and considerate.

SCOPE

This policy applies to the BKS as the Approved Provider, Nominated Supervisor, Educators, other BKS staff, students on placement, volunteers, parents/guardians, children and others attending the programs and activities of a BKS service.

BACKGROUND AND LEGISLATION

Background

BKS as the Approved Provider and Nominated Supervisor have a duty of care to the children attending the service and must ensure “that every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury”¹.

The *National Quality Standard* requires that “educators, coordinators and staff members are respectful and ethical” and that “professional standards guide practice, interactions and relationships”².

BKS as the employer also has a legal responsibility to provide, as far as is practicable, a safe workplace that is free from discrimination, bullying and harassment.

This Code of Conduct is based on the organisation’s philosophy, beliefs and values, and on principles of mutual respect, equity and fairness. The Code of Conduct procedures put the guiding principles into action by clarifying standards of behaviour expected of individuals in the performance of their duties or involvement at the service, and by giving guidance in areas where individuals are required to make professional, personal and ethical decisions.

BKS as the Approved Provider must ensure that all educators, staff, students and volunteers at the service adhere to clear guidelines regarding appropriate interaction and communication with each another, with children at the service, and with others in the community.

BKS as the employer and Approved Provider, is committed to creating and maintaining a child safe organisation by developing and maintaining strategies to embed a culture of child safety.

¹ *Education and Care Services National Law Act 2010*, Section 167.

² *National Quality Standard*, Quality Area 4: Staffing Arrangement, 4.2, 4.2.1

Legislation and standards

Relevant legislation and standards include but are not limited to:

- *Charter of Human Rights and Responsibilities Act 2006* (Vic), as amended 2014
- *Children, Youth and Families Act 2005* (Vic), as amended 2016
- *Child Wellbeing and Safety Act 2005* (Vic), as amended 2016
- *Child Wellbeing and Safety Amendment (Child Safety Standards) Act 2015*
- *Disability Discrimination Act 1992* (Cth), as amended 2016
- *Education and Care Services National Law Act 2010*, as amended 2014
- *Education and Care Services National Regulations 2011*, as amended 2014
- *Equal Opportunity Act 2010* (Vic), as amended 2015
- *Fair Work Act 2009* (Cth), as amended 2016
- *Fair Work Regulations 2009* (Cth), as amended 2014
- National Quality Standard, Quality Area 4: Staffing Arrangements
 - Standard 4.2: Educators, coordinators and staff members are respectful and ethical
 - Element 4.2.1: Professional standards guide practice, interactions and relationships
- *Occupational Health and Safety Act 2004*, as amended 2016
- *Occupational Health and Safety Regulations 2007*
- *Racial Discrimination Act 1975*, as amended 2016
- *Racial and Religious Tolerance Act 2001* (Vic), as amended 2011
- *Sex Discrimination Act 1984* (Cth), as amended 2016
- Victorian Child Safe Standards

DEFINITIONS

Assault: An incident where a person causes injury, pain, discomfort or damage to another person. It also includes insult or deprivation of liberty. Assault can be physical or verbal.

Child Safe Standards: The Child Safe Standards are compulsory minimum standards for all Victorian early childhood services and schools, to ensure they are well prepared to protect children from abuse and neglect. The Child Safe Standards provide a framework to identify gaps and improve policy and practices around child safety.

Duty of care: A common law concept that refers to the responsibilities of organisations or individuals to provide people with an adequate level of protection against harm and all reasonable foreseeable risk of injury.

Ethical conduct: Behaviour that is intended in the best interests of children, their parents/guardians and families, and users of the service.

Bullying: repeated unreasonable behaviour towards an employee or group of employees which creates a risk to health and safety (www.fairwork.gov.au)

Discrimination: adverse action against an employee because of a protected attribute i.e. race, colour, sex, age, marital status, religion, pregnancy, family responsibilities (www.fairwork.gov.au)

Harassment: When someone is demeaning, derogatory or intimidating towards another person. Harassment includes but is not limited to:

- racial taunts
- taunts about sexual orientation or gender identity
- sexual harassment: unwelcome physical, verbal or written behaviour of a sexual nature
- repeated insulting remarks.

Notifiable complaint: A complaint that alleges a breach of the Act or Regulation, or alleges that the health, safety or wellbeing of a child at the service may have been compromised. Any complaint of this nature must be reported to a Kindergarten Services Manager by the Nominated Supervisor at the kindergarten where the incident occurred. BKS as the Approved Provider is to report the incident to DET within 24 hours of the complaint being made.^{3 4}

Written reports to DET must include:

- details of the event or incident
- the name of the person who initially made the complaint
- if appropriate, the name of the child concerned and the condition of the child, including a medical or incident report (where relevant)
- contact details of a nominated member of the Grievances Subcommittee/investigator
- any other relevant information.

Written notification of complaints must be submitted using the appropriate forms, which can be found on the ACECQA website: www.acecqa.gov.au

Respect: Value the rights, religious beliefs and practices of individuals. Refrain from actions and behaviour that constitute harassment or discrimination.

Serious incident: An incident resulting in the death of a child, or an injury, trauma or illness for which the attention of a registered medical practitioner, emergency services or hospital is sought or should have been sought. This also includes an incident in which a child appears to be missing, cannot be accounted for, is removed from the service in contravention of the Regulations or is mistakenly locked in/out of the service premises⁵. A serious incident should be documented in either an *Incident, Injury, Trauma Record or an Illness Record* (sample form available on the ACECQA website) as soon as possible and within 24 hours of the incident. The Regulatory Authority (DET) must be notified within 24 hours of a serious incident occurring at the service⁶ by the Kindergarten Services Manager. Records are required to be retained for the periods specified in Regulation 183.

Support: Work in a co-operative and positive manner.

BREACH OF POLICY

Any breach of this policy may result in disciplinary action up to and including termination of employment.

Independent contractors and other non-employees who are found to have breached this policy may result in the termination of their employment with BKS.

SOURCES AND RELATED POLICIES

Sources

- Early Childhood Australia, *Code of Ethics*: www.earlychildhoodaustralia.org.au
- The Universal Declaration of Human Rights: www.un.org/en/documents/udhr/
- Victoria Legal Aid: www.legalaid.vic.gov.au
- United Nations, *Convention on The Rights of the Child*: www2.ohchr.org/english/law/crc.htm

Service policies

- *Child Safe Policy*
- *Complaints and Grievances Policy*
- *Delivery and Collection of Children Policy*

³ *Education and Care Services National Law Act 2010*: Section 174(2)(b).

⁴ *Education and Care Services National Regulations 2011*: Regulation 176(2)(b)).

⁵ *Education and Care Services National Regulations 2011*: Regulation 12.

⁶ *Education and Care Services National Regulations 2011*: Regulation 176(2)(b)).

- *Interactions with Children Policy*
- *Occupational Health and Safety Policy*
- *Privacy and Confidentiality Policy*
- *Staffing Policy*

EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, BKS as the Approved Provider will:

- monitor the implementation, compliance, complaints and incidents in relation to this policy
- keep the policy up to date with current legislation, research and best practice
- revise the policy and procedures as part of the service's policy review cycle, or as required
- notify relevant parties at least 14 days before making any changes to this policy or its procedures.

ATTACHMENTS

- Attachment 1: Professional standards for staff
- Attachment 2: Professional standards for Child Safe Behaviours
- Attachment 3: Code of Conduct Acknowledgement
- Attachment 4: Responsibilities

AUTHORISATION

This policy was adopted by BKS as the Approved Provider on 1 January 2017 and last updated on 1 July 2017.

POLICY REVIEW

BKS may make changes to this policy from time to time. A review will be conducted by 1 July 2019

ATTACHMENT 1

Professional standards for staff

Relationships with children

In their relationships with children, BKS as the Approved Provider, and all BKS staff at a BKS Service will demonstrate their commitment to high-quality education and care for children by:

- being a positive role model at all times
- encouraging children to express themselves and their opinions
- allowing children to undertake experiences that develop self-reliance and self-esteem
- maintaining a safe environment for children
- respecting the rights of all children
- contributing to a service environment that is free from discrimination, bullying and harassment
- speaking to children in an encouraging and positive manner
- listening actively to children and offering empathy and support
- giving each child positive guidance and encouraging appropriate behaviour
- regarding all children equally, and with respect and dignity
- having regard to the cultural values, age, physical and intellectual development, and abilities of each child at the service
- providing opportunities for children to interact and develop respectful and positive relationships with each other, and with other staff members and volunteers at the service
- informing children if physical contact is required for any purpose, and asking them if they are comfortable with this interaction
- ensuring all interactions with children are undertaken in full view of other adults
- encouraging and assisting children to undertake activities of a personal nature for themselves e.g. toileting and changing clothes
- respecting the confidential nature of information gained about each child while participating in the program.

Relationships with parents/guardians and families

In their relationships with parents/guardians and families, BKS as the Approved Provider and all staff at a BKS Service will demonstrate their commitment to collaboration by:

- being respectful of, and courteous towards, parents/guardians and families at all times
- considering the perspective of parents/guardians and families when making decisions that impact on the education and care of their child
- communicating with parents/guardians and families in a timely and sensitive manner
- responding to concerns expressed by parents/guardians and families in a timely and appropriate manner
- respecting the cultural context of each child and their family
- working collaboratively with parents/guardians and families
- respecting the privacy of information provided by parents/guardians and families, and keeping this information confidential, as required under the *Privacy and Confidentiality Policy*.

Relationships with colleagues at the service

In their relationships with colleagues, BKS as the Approved Provider and all staff at a BKS Service will demonstrate collegiality by:

- developing relationships based on mutual respect, equity and fairness
- working in partnership in a courteous, respectful and encouraging manner
- valuing the input of their peers
- sharing expertise and knowledge in appropriate forums, and in a considered manner
- respecting the rights of others as individuals
- giving encouraging and constructive feedback, and respecting the value of different professional approaches.

Professional responsibilities

BKS as the Approved Provider and all educators at a BKS Service will demonstrate commitment to their professional responsibilities by:

- undertaking their duties in a competent, timely and responsible way
- ensuring their knowledge and expertise is up to date and relevant to their role
- understanding and complying with legal obligations in relation to:
 - discrimination, harassment and vilification
 - negligence
 - mandatory reporting
 - privacy and confidentiality
 - occupational health and safety
- raising any complaints or grievances in accordance with the *Complaints and Grievances Policy*.

ATTACHMENT 2

Professional standards for Child Safe Behaviours

All staff, volunteers, PAG members and Board members of BKS are required to observe child safe principles and expectations for appropriate behaviour towards and in the company of children, as noted below.

All employees of BKS are responsible for supporting the safety, participation, wellbeing and empowerment of children by:

- adhering to BKS child safe policy at all times and upholding a commitment to child safety at all times;
- taking all reasonable steps to protect children from abuse;
- treating everyone with respect;
- listening and responding to the views and concerns of children, particularly if they are telling you that they or another child has been abused and/or are worried about their safety or the safety of another;
- promoting the cultural safety, participation and empowerment of Aboriginal children (for example, by never questioning an Aboriginal child's self-identification);
- promoting the cultural safety, participation and empowerment of children with culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance of discrimination);
- promoting the safety, participation and empowerment of children with a disability (for example, during personal care activities);
- ensuring as far as practicable that adults are not left alone with a child while at the service or during excursions;
- reporting any allegations of child abuse to the Kindergarten Services Manager, and ensure any allegations are reported to the police or child protection;
- reporting any child safety concerns to the Kindergarten Service Manager;
- if an allegation of child abuse is made, ensure as quickly as possible that the child(ren) are safe;
- encouraging children to 'have a say' and participate in all relevant organisational activities where possible, especially on issues that are important to them.

Employees, Students and Volunteers must not:

- develop any 'special' relationships with children that could be seen as favouritism (for example, the offering of gifts or special treatment for specific children);
- exhibit behaviours with children which may be construed as unnecessarily physical (for example inappropriate sitting on laps. Sitting on laps could be appropriate sometime, for example while reading a storybook to a small child in an open plan area);
- put children at risk of abuse (for example, by locking doors);
- do things of a personal nature that a child can do for themselves, such as toileting or changing clothes;
- engage in open discussions of a mature or adult nature in the presence of children (for example, personal social activities);
- use inappropriate language in the presence of children;
- express personal views on cultures, race or sexuality in the presence of children;
- discriminate against any child, including because of culture, race, ethnicity or disability;
- have contact with a child or their family outside of our organisation without the kindergarten services managers knowledge and/or consent (for example, no babysitting). Accidental contact, such as seeing people in the street, is appropriate);
- have any online contact with a child or their family (unless necessary, for example providing families with e-newsletters);
- ignore or disregard any suspected or disclosed child abuse.

ATTACHMENT 3
Code of Conduct Acknowledgement

I hereby acknowledge that on _____, I received a copy of the *Code of Conduct Policy* for Bethany Kindergarten Services (BKS).

I have read this policy, I understand its contents and I agree to abide by the principles, practices and consequences set out within.

I understand that BKS as the Approved Provider will address any breach of this policy, and that any *serious* breach could lead to legal or disciplinary action.

I understand that a signed copy of this acknowledgement will be kept on my staff record while I am working at the service, and will be disposed of when my employment has ceased.

By observing these standards, I acknowledge my responsibility to immediately report any breach of this code to the Kindergarten Services Manager.

I agree to adhere to this Code of Conduct:

Signature

Name (please print)

Date

Witness signature

Name (please print)

Date

ATTACHMENT 4

Responsibilities

The Approved Provider is responsible for:

- developing specific standards in relation to child safety (refer to Attachment 2)
- developing professional standards for staff (refer to Attachment 1) in collaboration with the Staff Advisory Group, Nominated Supervisor, educators, activity group leaders, staff, parents/guardians and others involved with the service
- ensuring that all educators, staff, volunteers, students, parents/guardians and visitors are provided with a copy of this policy on employment
- ensuring that all staff complete and sign the *Code of Conduct Acknowledgement* (refer to Attachment 3) and that these are filed with individual staff records
- ensuring that the professional standards for staff (refer to Attachment 1) are adhered to at all times
- ensuring that all children being educated and cared for at BKS services are protected from harm and any hazard likely to cause injury (National Law: Section 167)
- activating the *Complaints and Grievances Policy* on notification of a breach of the *Code of Conduct Policy*
- notifying DET in writing within 24 hours of a serious incident (refer to *Definitions*) or of a notifiable complaint (refer to *Definitions*) at the service (National Law: Sections 174(2)(b) and 174(4), National Regulations: Regulations 175(2)(c) and 176(2)(b))
- taking appropriate disciplinary or legal action, or reviewing the terms of engagement in the event of misconduct or a serious breach of the *Code of Conduct Policy*
- contacting Police in an emergency situation where it is believed that there is an immediate risk (e.g. when violence has been threatened or perpetrated)
- working with the Nominated Supervisor, educators, staff, students, volunteers, parents/guardians and others at the service to provide an environment that encourages positive interactions and supports constructive feedback
- ensuring that parents/guardians of a child attending the service can enter the service premises at any time that the child is being educated and cared for, except where this may pose a risk to the safety of children or staff, or conflict with any duty of the Approved Provider, Nominated Supervisor or educators under the Law (Regulation 157)
- ensuring that parents/guardians on duty, or other adults participating in the program, are not placed in a situation where they are left alone with a child
- respecting individual abilities, needs, cultural practices and beliefs in all interactions, both verbal and non-verbal
- developing strategies to embed an organisational culture of child safety, including through effective leadership arrangements
- developing a child safe policy or statement of commitment to child safety
- developing a code of conduct that establishes clear expectations for appropriate behaviour with children
- ensuring human resources practices are in place that reduce the risk of child abuse by new and existing personnel
- developing processes for responding to and reporting suspected child abuse
- developing strategies to identify and reduce or remove risks of child abuse
- developing strategies to promote the participation and empowerment of children
- promoting the cultural safety of Aboriginal children; promoting the cultural safety of children from culturally and/or linguistically diverse backgrounds; promoting the safety of children with a disability.

The Nominated Supervisor is responsible for:

- Assisting BKS as the Approved Provider to develop professional standards for staff (refer to Attachment 1)
- ensuring child safe standards and behaviours are maintained and followed (refer to Attachment 2)
- ensuring that all educators, activity group leaders, staff, volunteers, students, parents/guardians and visitors are provided with a copy of this policy on employment, enrolment or arrival at the service
- ensuring that the children educated and cared for at BKS services are protected from harm and from any hazard likely to cause injury (National Law: Section 167)
- completing and signing the *Code of Conduct Acknowledgement* (refer to Attachment 3)
- Work in a cooperative manner with BKS management ensuring open communication on all issues pertaining to employment, management, finance, the program and compliance requirements of the centre;
- Work cooperatively and professionally as a member of a team. Staff members work as part of a cooperative team within their own kindergarten environment and as a member of the BKS staffing network;
- adhering to the professional standards for staff (refer to Attachment 1) at all times
- informing BKS as the Approved Provider in the event of a serious incident (refer to *Definitions*), of a notifiable complaint (refer to *Definitions*) or of a breach of the *Code of Conduct Policy*
- contacting Police in an emergency situation where it is believed that there is an immediate risk (e.g. when violence has been threatened or perpetrated)
- working with BKS as the Approved Provider, educators, students, volunteers, parents/guardians and others at the service to provide an environment that encourages positive interactions and supports constructive feedback
- ensuring that parents/guardians of a child attending the service can enter the service premises at any time that the child is being educated and cared for, except where this may pose a risk to the safety of children or staff, or where the parent is prohibited by a court order from having contact with a child (Regulation 157);
- developing practices and procedures to ensure that parents/guardians on duty, or other adults participating in the program or undertaking works within the service, are not placed in a situation where they are left alone with a child
- respecting individual abilities, needs, cultural practices and beliefs in all interactions, both verbal and non-verbal;
- understanding and accepting that serious breaches of this code will be deemed misconduct and may lead to disciplinary or legal action, or a review of their engagement;
- conduct themselves in a manner which does not undermine the reputation of BKS and its staff.

Educators/ Activity Group Leaders are responsible for:

- assisting the Approved Provider to develop professional standards for staff (refer to Attachment 1)
- ensuring child safe standards and behaviours are maintained and followed (refer to Attachment 2)
- completing and signing the *Code of Conduct Acknowledgement* (refer to Attachment 3)
- adhering to the professional standards for staff (refer to Attachment 1) at all times
- Work in a cooperative manner with BKS management ensuring open communication on all issues pertaining to employment, management, finance, the program and compliance requirements of the centre;
- Work cooperatively and professionally as a member of a team. Staff members work as part of a cooperative team within their own kindergarten environment and as a member of the BKS staffing network;

- providing guidance to parents/guardians and volunteers through positive role modelling and, when appropriate, clear and respectful directions
- working with BKS as the Approved Provider, Nominated Supervisor, educators, activity group leaders, staff, students, volunteers, parents/guardians and others at the service to provide an environment that encourages positive interactions and supports constructive feedback
- ensuring that parents/guardians on duty, or other adults participating in the program or undertaking work in the service are not placed in a situation where they are left alone with a child
- informing BKS as the Approved Provider in the event of a serious incident (refer to *Definitions*), of a notifiable complaint (refer to *Definitions*) or of a breach of the *Code of Conduct Policy*
- contacting Police in an emergency situation where it is believed that there is an immediate risk (e.g. when violence has been threatened or perpetrated)
- respecting individual abilities, needs, cultural practices and beliefs in all interactions, both verbal and non-verbal
- understanding and accepting that serious breaches of this code will be deemed misconduct and may lead to disciplinary or legal action, or a review of their engagement.
- conduct themselves in a manner which does not undermine the reputation of BKS and its staff
- promoting the cultural safety of Aboriginal children; promoting the cultural safety of children from culturally and/or linguistically diverse backgrounds; promoting the safety of children with a disability.

Parent Advisory Groups are responsible for:

- Work in a cooperative manner with BKS management ensuring open communication on all issues pertaining to management, finance and compliance requirements of the centre
- ensuring child safe standards and behaviours are maintained and followed (refer to Attachment 2)
- completing and signing the PAG *Code of Conduct Acknowledgement*
- respecting individual abilities, needs, cultural practices and beliefs in all interactions, both verbal and non-verbal
- understanding and accepting that serious breaches of this code will need to be reported to BKS and may lead to disciplinary or legal action, or a review of their engagement
- ensuring that the children and educators are cared for at BKS services and protected from harm and from any hazard likely to cause injury (National Law: Section 167)
- conduct themselves in a manner which does not undermine the reputation of BKS and its staff
- disclose any real, potential or perceived conflicts of interest to the PAG in order to be omitted from the decision process relating to the conflict of interest
- PAG members must ensure that the PAG performs effectively by:
 - Ensuring cooperation of all PAG members to manage the PAG's operations
 - Striving to attend all PAG meetings and contribute productively to meetings
 - Acknowledging and respecting diverse views on the PAG and amongst members
 - Participating in succession planning
 - Developing a risk management plan and taking actions to mitigate where risks are identified.

Parents/guardians are responsible for:

- reading the *Code of Conduct Policy*
- signing the Parent Code of Conduct on their child's enrolment form
- abiding by the law
- abiding by the standards of conduct, as set out in this policy, while at the service
- complying with all policies of the service

Volunteers and students, while at the service, are responsible for following this policy and its procedures.